

REMARKS/ARGUMENTS

Applicant has been denied a telephonic interview under 37 CFR 1.133

Applicant requested a telephonic interview in the July 19th, 2007 office action response and also appended an official PTOL-413A Applicant Initiated Interview Request Form therewith. Applicant was never contacted by the Examiner to schedule an interview as requested. Applicant believes that an interview would advance the prosecution of the application as per MPEP 713.01 III which states:

An interview should be had only when the nature of the case is such that the interview could serve to develop and clarify specific issues and lead to a mutual understanding between the examiner and the applicant, and thereby advance the prosecution of the application.

Applicant maintains that the cited reference, Bell (US 2002/0049778), differs so greatly with respect to the pending claims that the instant final office action could have been entirely avoided by conducting a telephonic interview. Hence, a telephonic interview would serve to develop and clarify specific issues and lead to a mutual understanding, and thereby advance prosecution of the application.

Applicant again respectfully requests a telephonic interview based on the July 19th, 2007 PTOL-413A that can be found in PAIR indexed at that date. As the application is now under final rejection, Applicant believes that an interview under MPEP 713.09 should be granted.

Remarks with respect to Double Patenting

As stated in the July 19th, 2007 office action response, Applicant will file a terminal disclaimer if required by the Examiner after the requested phone conference if it is so determined that the scope of the claims are to remain as is without modification prior to allowance.

Remarks with respect to Claim Rejections under 35 U.S.C. 102

The Examiner has rejected claims 1-38 under 35 U.S.C. 102 as being anticipated by Bell (US 2002/0049778).

Respectfully Bell is directed at copying entire sets of enterprise data or selected information therefrom and is silent to “performing at least one operation at a second at the second work site... copying the at least one operation between the second work site and the first work site ...applying the OPERATION at the SECOND WORK SITE on the FIRST PROJECT DATA FILE and producing a finished work product at the first work site WITHOUT COPYING the second data file to the first work site”. Hence, Bell makes no distinction between copying operations applied to a data file and then applying the operation at the second work site on the first project data file to produce the finished work product WITHOUT COPYING the second data file.

Specifically, Applicant responds that the “dynamic copy” of Bell does not teach, suggest or imply the “operations” of the present invention. The “dynamic copy” of Bell, whether for “selected information” or entire files, is an automatic mirroring of data. (See Paragraph 20 and 44 of Bell; see Paragraph 10, 11 of the Application.) “Operations” in the present invention include actions (creations, updates and deletions) to be applied to a particular instantiation of the raw project data to produce a particular change in the project data file. (See Paragraph 10-11, 23-25 of the Application.) The “operations,” and not the generally large project data file, is then sent back to the first work site to be applied to the first copy of the project data file to produce a modified project data file. (See Paragraph 10, 11 of the Application, claim 1.) The present invention does not perform a dynamic mirroring or copying of a project data file, nor a dynamic backup of information, as in Bell. (See Paragraph 15, 20 of Bell.) The present invention allows the transmission of only operational data from multiple worksites, those operations being applied to different in work versions of the project data file, the operations to be transmitted and combined to produce a finished work product. (See claim 1, Paragraph 23-25 of the Application.) This is significantly different than the dynamic mirroring operations of Bell, even when the invention of Bell may allow the dynamic mirroring or backing up only selected files on a volume over a network. (See Paragraph 15, 20 of Bell.) Likewise, the same arguments apply to independent claims 14, 21 and 34 and hence all dependent claims that inherit the limitations of these independent claims.

Appl. No. 10/709,275
Response dated 3/3/2008
Reply to Office Action of 10/3/2007

Applicant again requests a telephone interview for the purpose of advancing prosecution as the cited reference is respectfully not directed at Applicant's claimed invention.

CONCLUSION

It is believed that claims 1-38 are allowable over the cited art. A Notice of Allowance is earnestly solicited. Please see the telephonic interview request form of July 19th, 2007 in PAIR.

Respectfully submitted,
Dalina Law Group, P.C.

A handwritten signature in black ink, appearing to read "Joseph J. Mayo", written over a dotted line.

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